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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/605,461
Filing Date: June 28, 2000
Appellant(s): YAMAGISHI ET AL.

Marina N. Saito
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 7/24/2006 appealing from the Office action mailed on 6/22/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

There was no amendment submitted after the final action mailed on 11/2/2005.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Pat. # 6,405,219 B2 Saether (6/11/2002, filed on 9/24/1999, provisional filed on 6/22/1999).

Pat. # 5,978,828 Greer et al (11/2/199, filed on 1/13/1997).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Saether et al, hereinafter Saether (Pat. # 6,405,219 B2, 6/11/2002, filed on 9/24/1999, provisional filed on 6/22/1999), in view of Greer et al, hereinafter Greer (Pat. # 5,978,828, 11/2/199, filed on 1/13/1997).

Regarding independent claim 1, Saether discloses the copying or transmitting, and updating of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. In this instance, the file directory tree is made up of directories (fig. 5A, 'A', 'B', and 'D1')—*container entries*--, and subdirectory—*leaf entry*—directly underneath directory "D1"—*information of the nodes at lower hierarchical levels*--, which does not contain or include any subdirectories beneath it (fig. 5A 'C')-- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Moreover, Saether discloses the identification of a different or changed file —directory, or subdirectory in the tree—*detecting a change of the hierarchical structure*-- located on the source

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server, using the name, size, and date of creation or modification—*change tracking value of said hierarchical structure*--of the file in the directory tree. The source server obtains the update which indicates added, modified, and deleted files as represented in the tree directory files—*container entries*--, and subdirectory files—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—*first, and second difference information corresponding to changes of hierarchical structure of container and leaf entries* -- (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.10, lines 39-col. 11, line 67).

Furthermore, Saether discloses copying—*transmitting*-- each individual different or changed file —directory, or subdirectory in the trees—*detecting a change of the hierarchical structure*—from the source server to the primary global, and content servers. The change indicates added, modified, and deleted files as represented in the tree directory files—*container entries*--, and subdirectory files—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—*first, and second difference information* -- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67). Saether fails to explicitly disclose *generating means for generating first message and second message, the first message including said first difference information, and a mask schema for interpreting a filtering mask, the second message including said second difference information and the filtering mask, wherein the filtering mask corresponds to information of one of the leaf entries being directly under one of the container entries*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed

by the date and time of last web page modification—*first difference information of a web page* which contains or is *above* different objects (*leaf entries*)--, and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*— they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Regarding claim 2, which depends on claim 1, Saether discloses copying each individual different or changed file –directory, or subdirectory in the trees from the source server to the primary global, and content servers. The source server adds a date of “creation/modification” to indicate added, modified, and deleted files as represented in the tree directories—*container entries* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-

col.7, line 11). Saether fails to explicitly disclose *filtering mask comprises a value based on number of hierarchical level being directly above the one leaf entry*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask value* which is used to hide internet address-- when the web page, and its address have been changed or updated with some changes—*changes to the web page or container*, which contains or is above objects, such as graphic files-- (when the address of the web page has not changed, then this field is left empty) (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Regarding claim 3, which depends on claim 1, Saether discloses copying—*transmitting--* each individual different or changed file –directory, or subdirectory in the trees—*second difference information*—from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”— *second identification information--* to indicate added, modified, and deleted files as represented in the tree directories, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Claim 4 is directed towards a method for implementing the apparatus found in claim 1, and therefore is similarly rejected.

Regarding independent claim 5, Saether discloses the copying or transmitting, updating, and receiving a message--*receiving first, and second message*-- of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. The primary global, and content servers receive an identification of a different or changed file -- directory--*detected first difference information*--, or subdirectory--*detected second difference information*-- in the tree-- located on the source server. A date or new version id signifying changes in the tree structure made to the changed directory and subdirectory files--*first, and second identification information*--is added to the directory and subdirectory files respectively. The change indicates added, modified, and deleted files as represented in the tree--*plurality of nodes*-- directories--*container entries*--, and subdirectories--*leaf entries*-- of the first and second tree versions (fig. 5A-B)--*first, and second difference information*. In this instance, the file directory tree is made up of directories (fig. 5A, 'A', 'B', and 'D1')--*container entries*--, and subdirectory--*leaf entries*-- directly underneath directory "D1", which does not contain any subdirectories beneath it (fig. 5A 'C')-- (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.9, lines 19-67, col.10, lines 39-col. 11, line 67, fig. 6A-B). Saether fails to explicitly disclose *the first message further including a mask schema for interpreting a filtering mask, the second message further including the filtering mask, wherein the filtering mask corresponds to information of one of the leaf entries being directly under one of the container entries*. However, Greer discloses an optional URL field containing a quotient page with a URL--*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There

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is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is *above* different objects (*leaf entries*)--, and object quotient field followed by the date and time—*second difference information of* objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*—they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Furthermore, Saether discloses the updating—*managing*—tree directories whose files or components have been updated. A selective update is performed of the tree directories being managed, where subdirectories changes are obtained, and the trees in the primary global, and content servers are updated with the obtained changes (fig. 5A-B, “C”, “E”, “F”, fig. 6A-B, “F3”, “F4”, col. 1, lines 56-50, col.9, lines 20-67, col.10, lines 39-col. 11, line 67).

Regarding claim 6, which depends on claim 1, Saether discloses identifying each individual difference or changes in the file subdirectory—*leaf entry*-- which is located in the tree, directly below a directory—*container*—identified by a name and version number, such as “F1.RCA”, and its version value “1.2”. The directories, and subdirectories receive updates and changes—*messages* containing those changes-- according to the changes made to the files represented in the tree directory structure (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67, col. 12, lines 11-67, and fig. 6A-B).

Claim 7 is directed towards a method for implementing the apparatus found in claim 5, and therefore is similarly rejected.

Regarding independent claim 8, limitations: *first managing means*.....*generating means* are directed to similar limitations found in claim 1, and therefore are similarly rejected.

Further, Saether discloses copying—*transmitting*-- each individual different or changed file –directory, or subdirectory in the trees—*first, and second difference information*—from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”—*first, and second identification information*-- to indicate added, modified, and deleted files as represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

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Moreover, Saether discloses copying—*transmitting*-- each individual different or changed file --directory, or subdirectory in the trees from the source server to the receiving ends-- primary global, and content servers, which receive the transmitted information. The change indicates added, modified, and deleted files, and their respective “creation/modification dates” as represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—*first, and second message* -- (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 36).

Moreover, Saether discloses that the primary global updates—*manages, and changes*--, and selectively obtains only the modified/added files in the version of its tree directory to reflect the additions modifications of the tree directory of the source server (fig. 5A-B, col. 1, lines 56-50, col.10, lines 56-col.11, line 9).

Claim 9 is directed towards a system implementing the apparatus found in claim 6, and therefore is similarly rejected.

Claim 10 is directed towards a method for implementing the system found in claim 8, and therefore is similarly rejected.

(10) Response to Argument

The Appellant notes that Greer does not teach or suggest a mask schema for interpreting a filter mask (page 20, parag.2). The Examiner disagrees, because Greer discloses a global quotient value, —*mask schema for interpreting a filtering mask* for determining a change in a

web page indicated by the URL of the web page(col. 5, line 32-53, col.6, lines 7-36, 51-67, fig. 6-8). In other words, the quotient value is used to determine whether the web page found at the URL has changed or no. The URL serves as a filter mask for the location of the computer storing the webpage. The URL doubles as an id to help determine whether the web page includes changed data.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the Examiner does not indicate how the first message and second message are transmitted separately in Greer." Page 20, last 2 lines) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims do not recite how the first and second messages are transmitted, they simply state that they are transmitted separately (claims 1, , 4, last limitations).

The Appellant further states that "Greer does not disclose or suggest generating a first message including the first difference information and a mask schema for interpreting a filtering mask, the second message including the second difference information and the filtering mask, wherein the filtering mask corresponds to information of one of the leaf entries being directly under one of the container entries or transmitting means for separately transmitting the first message and the second message, as required by the claims" (page 21). The Examiner disagrees, because Greer discloses an optional URL field containing a quotient

page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed by the date and time of last web page-modification—*first difference information of a web page* which contains or is above different objects (*leaf entries*)--, and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). When the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*—they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. Greer teaches the transmission of two MIME messages. The first message transmitted includes an identifier 432, a revision field, etc. (col.5, lines 32-38, col.6, lines 7-67). The second message contains all the values included in the first message plus a URL field that indicates that the webpage has changed (col.5, lines 32-46, and, col.6, lines 7-67).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,



**CESAR PAULA
PRIMARY EXAMINER**

Cesar B. Paula
October 13, 2006



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